

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: **Thursday, November 3, 2005, @ 6:30 P.M.**
 Office of Zoning Hearing Room
 441 4th Street, N.W. Suite 220
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 05-21 (Dog Boarding – Text Amendment)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning is requesting text amendments to Title 11 of the District of Columbia Municipal Regulations, Zoning to permit Dog Boarding Uses as special exceptions in the C-2 through C-4 and Industrial Zone Districts. The text amendment also includes somewhat modified versions of provisions adopted by the Zoning Commission on an emergency basis on July 11, 2005¹. Those provisions permit certain existing types of dog boarding facilities in the C-2 through C-4 Districts to obtain Certificates of Occupancy that would establish their matter of right status, provided that the use does not abut a residence zone. A facility with an exterior yard will need special exception approval to continue the use of that area. Other existing dog boarding facilities in those same zones will be able to seek special exception approval to allow for the continuation of that use, except that such relief will not be available to uses that abut a residence zone. An eligible facility that applies for special exception approval will be able to obtain a temporary Certificate of Occupancy to permit its operation during the pendency of the special exception proceeding.

This case was set down for hearing on July 11, 2005. The Office of Planning report was received on July 5, 2005 and served as the pre-hearing submittal for the case.

Title 11 (DCMR) is amended as follows:

- A. Chapter 1, THE ZONING REGULATIONS, § 199.1, is amended by adding the following new definition:

Dog Boarding- Any premises, other than a veterinary hospital, pet shop, or dog grooming establishment use, designated as the overnight boarding and/or recurring daily care of dogs for a fee as a commercial establishment. An establishment used exclusively for dog grooming or the retail sales of pet items shall not be considered a dog boarding establishment.

¹ A Notice of Emergency Rulemaking is being published elsewhere in the same edition of the *D.C. Register*.

B. Chapter 7, COMMERCIAL DISTRICTS, is amended as follows:

1. By adding new §§ 721.7 through 721.9 to read as follows:

721.7 Notwithstanding § 735, a Dog Boarding Use in existence as of July 11, 2005, under Certificates of Occupancy for “Dog Care Center” or “Dog Day Care Center”, may be permitted to apply for a new Certificate of Occupancy as a Dog Boarding Use if the use does not abut a residence zone district, except that the continued use of an external yard shall require the approval of the Board of Zoning Adjustment as a special exception pursuant to § 736.

721.8 Any internal or external expansion of a Dog Boarding Use permitted under § 721.7 shall require the approval of the Board of Zoning Adjustment as a special exception.

721.9 A Dog Boarding Use in existence as of July 11, 2005, which does not hold a Certificate of Occupancy for a “Dog Day Center” or a “Dog Day Care Center” and which has applied for special exception approval pursuant to § 735 on or before September 2, 2005 may obtain a temporary certificate of occupancy to allow its continued operation during the pendency of the special exception proceeding subject to the following:

- (a) The use may not abut a residence zone district;
- (b) The temporary Certificate of Occupancy shall expire upon the occurrence of one of the following, whichever is the first to occur:
 - (1) The date upon which a written decision by the Board of Zoning Adjustment denying or dismissing the application becomes final;
 - (2) The date upon which an application is withdrawn; or
 - (3) Forty-five (45) days after a written decision by the Board of Zoning Adjustment granting the application becomes final.

2. By adding a new § 735 to read as follows:

735 DOG BOARDING

735.1 A Dog Boarding Use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

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735.2 The Dog Boarding Use shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.

735.3 The Dog Boarding Use may not abut a residence zone.

735.4 External yards or other such facilities for the keeping of dogs shall not be permitted.

736 DOG BOARDING USES: EXTERNAL YARDS

736.1 A Dog Boarding Use existing on July 11, 2005, which obtained a Dog Boarding Certificate of Occupancy pursuant to § 721.7, may continue the use of an external yard for the keeping of dogs if approved by the Board of Zoning Adjustment pursuant to § 3104 and the requirements of this section.

736.2 The yard shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.

736.3 The applicant shall demonstrate that the external yard will be fenced off for the safe confinement of the dogs.

736.4 The Board shall establish the hours in which dogs may not be kept in the yard, provided that, at the minimum, no dogs shall be permitted in the yard between 8:00 PM and 7:00 AM.

3. By amending § 761.1 by inserting the phrase “a Dog Boarding Use shall be prohibited and” after the language, “Any use permitted in a C-4 District under § 751 shall be permitted in the C-5 (PAD) District as a matter of right, except that”.

C. Chapter 8, INDUSTRIAL DISTRICTS, is amended by adding new §§ 802.21 through 802.24 to read as follows:

802.21 A Dog Boarding Use may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

802.22 The Dog Boarding Use shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.

802.23 The Dog Boarding Use may not abut a residence zone.

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802.24 External yards or other such facilities for the keeping of dogs shall not be permitted.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01 (2001), *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of Section 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY JEFFRIES, JOHN G. PARSONS, AND KEVIN HILDEBRAND, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, ACTING SECRETARY TO THE ZONING COMMISSION.